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The situation in Bosnia and Herzegovina

Austria, Bosnia and Herzegovina, Denmark, Romania and Ukraine: draft resolution

The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolution 56/215 of 21 December 2001 and all previously adopted resolutions, as well as all relevant resolutions of the Security Council, regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders, and also reaffirming its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country, with two multi-ethnic entities, according to the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement").[1]

Reiterating the importance of strengthening the rule of law, the functionality of the State institutions and the creation of a competitive, self-sustainable economy as the preconditions for the consolidation of Bosnia and Herzegovina as a modern democratic State and civic society working for the well-being of all its citizens,

Recognizing the results of the general elections at the State and entity level as the genuine and free choice of the electorate, looking forward to the swift formation of the new Government and mindful of the fact that the parties participating in the elections are committed to the continuation of reforms, the strengthening of the rule of law and the determination of Bosnia and Herzegovina to fulfil its international obligations,

Welcoming the prioritizing and streamlining of the involvement of the international community in the reform process,

Noting the importance for the future of Bosnia and Herzegovina that prosecutors successfully conclude their investigation of war crimes and the

[1] A/50/790-S/1995/999.

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whereabouts of those still missing, as well as the importance of full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, especially with regard to surrendering all indicted war criminals to the Tribunal,

Reaffirming the importance for the future of Bosnia and Herzegovina of its successful integration into Europe, noting in that regard its admission into the Council of Europe in April 2002, welcoming the progress made to date in meeting the conditions of the European Union Stabilization and Association Process, and stressing that the Stability Pact for South-Eastern Europe continues to provide additional contribution to the improvement of regional cooperation,

Welcoming further improvement of overall mutual cooperation and the positive evolution of bilateral relations between Bosnia and Herzegovina and its neighbouring States, Yugoslavia and Croatia, as set forth at the trilateral summit of the heads of State held at Sarajevo on 15 July 2002,

Noting that corruption and lack of transparency seriously hamper the economic development of Bosnia and Herzegovina, reaffirming the need to combat corruption, smuggling, human trafficking, organized crime and other illegal activities, welcoming in that regard the fact that the State Border Service recently took over the control of the entire border, and noting the preparations for the Conference on Organized Crime in South-Eastern Europe, which is to be held in London on 25 November 2002,

Welcoming the achievements and encouraging further efforts in reducing military assets, in continued cooperation with the multinational Stabilization Force, in view of enhanced security and with the aim of the future admission of Bosnia and Herzegovina into the Partnership for Peace,

Also welcoming the forthcoming transition from the International Police Task Force to the European Union Police Mission,

1. *Notes* that the ultimate responsibility for the future of Bosnia and Herzegovina lies with the State and entity authorities duly elected by its people, urges them to work jointly, rapidly and intently on judicial and economic reforms and the functioning of State institutions, refugee returns and all other issues of vital interest to all the citizens, with full respect for the rule of law, and takes note of the programme "Justice and jobs" of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina;

2. *Commends* the Independent Electoral Commission, the joint State institutions and all the citizens of Bosnia and Herzegovina for successfully completing the first post-war self-organized elections, as a positive example of the State's ability to function in a successful manner;

3. *Calls* for the full and early implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[1] which is essential for stability and cooperation in the region and the reintegration of Bosnia and Herzegovina;

4. *Commends* the achievements of the former High Representative in implementing the Peace Agreement on Bosnia and Herzegovina and for initializing and overseeing the negotiations for constitutional reforms in order to ensure the

equality of the three constituent peoples throughout the country, and supports unreservedly the new High Representative, especially in his efforts to implement radical judicial and economic reforms and the rule of law, as well as his efforts in other areas, under the guidance of the Peace Implementation Council and in close cooperation with the State and entity authorities of Bosnia and Herzegovina;

5. *Demands* that all the parties to the Peace Agreement fulfil their obligations to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, urges the States committed to cooperation with the Tribunal as parties to the Peace Agreement on Bosnia and Herzegovina, in collaboration with the international security presence, to take decisive action to apprehend and extradite to the Court all indicted, and encourages the authorities of Bosnia and Herzegovina to develop, in close cooperation with the international community, national court capacities to investigate and prosecute cases of lower profile war criminals;

6. *Welcomes* the prompt action of the State and entity institutions in adopting the comprehensive plan of action to prevent terrorist activities, increase security and protect people and property in Bosnia and Herzegovina and to secure sufficient funding for the State Border Service, welcomes the active role of Bosnia and Herzegovina in global efforts against terrorism, and calls upon Bosnia and Herzegovina to work with the international community in that regard;

7. *Also welcomes* the steps already taken by the authorities of Bosnia and Herzegovina regarding the breach of Security Council resolutions dealing with sanctions against Iraq, and demands the investigation and prosecution of those responsible in accordance with the obligations of the State deriving from all relevant Council resolutions;

8. *Reaffirms* the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with annex 7 of the Peace Agreement, encourages the acceleration of the peaceful, orderly and sustainable return of refugees and displaced persons to their place of pre-war residence, including to areas where they would be the ethnic minority, calls upon all sides to ensure respect for individual rights to return and the establishment of the rule of law, and takes note of the importance of ensuring the rights of all national minorities in the country;

9. *Reaffirms* the right of families to know the fate of their relatives, and urges the authorities concerned to do everything in their power to help elucidate the fate of all persons unaccounted for;

10. *Commends* the successful completion of the mandate of the United Nations Mission in Bosnia and Herzegovina on 31 December 2002, and welcomes the smooth transition to the European Union Police Mission, which will also work on reforming the police management structures in Bosnia and Herzegovina;

11. *Stresses* the need for a more comprehensive approach to implementing economic reforms, and underlines the fact that a self-sustainable, market-oriented economy operating in a single economic space, expeditious and transparent privatization, improved banking and capital markets, reformed financial systems and the elimination of bureaucratic obstacles, which deter private investment and private initiative, are of the utmost importance;

12. *Notes* the importance of defining the common defence policy and common command-control military structure of Bosnia and Herzegovina on the grounds of agreed principles, and affirms the importance of civilian control of the armies and the formation of a standing committee for military matters of Bosnia and Herzegovina as a step towards the establishment of a military structure of an appropriate size, based on future projections and legitimate security needs of Bosnia and Herzegovina, which will contribute to regional security and stability;

13. *Welcomes* the efforts of international and regional organizations, as well as non-governmental organizations in Bosnia and Herzegovina, working on mine action activities, and calls upon Member States to continue to support those activities;

14. *Stresses* the importance of strengthening of the free and pluralistic media, and deplores actions that seek to intimidate or restrict the freedom of the media;

15. *Also stresses* the importance of the restoration and rebuilding of the historical and cultural heritage of Bosnia and Herzegovina to its original form;

16. *Emphasizes* the importance of ensuring the rights of all national minorities in the country;

17. *Requests* the Secretary-General to submit a comprehensive report on United Nations activities in Bosnia and Herzegovina during the period from 1992 to 2002, in view of the experience gained and lessons learned, as a positive contribution to future United Nations operations.